

Court of Appeals, State of Michigan

ORDER

Devin Burnside v Harper-Hutzel Hospital

Docket No. 302676

LC No. 10-005086-NH

Christopher M. Murray
Presiding Judge

Michael J. Talbot

Kurtis T. Wilder
Judges

The Court orders that the motion for immediate consideration is GRANTED.

Pursuant to MCR 7.205(D)(2), in lieu of granting leave to appeal, the Court further orders that the January 28, 2011, order of the Wayne County Circuit Court is REVERSED IN PART pertaining to the conditions placed on the ex parte interviews of plaintiffs' treating physicians. There was no showing by plaintiffs below that "justice requires" the conditions beyond a generalized danger of intimidation. Furthermore, the trial court failed to articulate any reason for the conditions imposed beyond stating it was a "fair compromise." The conditions constitute an abuse of discretion in the absence of such finding under MCR 2.302(C). *Szpak v Inyang*, ___ Mich App ___; ___ NW2d ___ (rel'd November 23, 2010, Docket No. 292625), slip opinion, 2-3.

This order is to have immediate effect, MCR 7.215(F)(2). The Court retains no further jurisdiction.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JUN 01 2011

Date


Chief Clerk